



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

112078

AUG 28 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bally Engineered Structures, Inc.
20 North Front Street
Bally, PA 19503

Attention: Mr. Lothar D. Gumberich, Vice President - Marketing

Re: Crossley Farm, Hereford Township, PA

Dear Mr. Gumberich:

As you know, in a letter dated March 24, 1992, the United States Environmental Protection Agency (EPA) required that Bally Engineered Structures, Inc. (Bally) produce information concerning the disposal or arrangement for disposal of hazardous substances at the Crossley Farm on Huff's Church Road in Hereford Township, Pennsylvania. EPA has reviewed your response and determined it is inadequate in that it did not provide the requested signed statements from knowledgeable officers and employees of the company regarding waste disposal practices involving Mr. Gus Bales.

Therefore, you are required to provide the requested signed statements from knowledgeable officers/employees. At a minimum, a statement must be submitted from Mr. Richard Leh which responds fully and completely to the following items:

1. Were you present when Gus Bales picked up the drums of spent TCE from Bally? Indicate the number of times and dates that this occurred.
2. Did anyone from Bally help load the drums onto Gus Bales' truck? If so, provide the name and present address, if known, of each of these employees.
3. Were there ever any money transactions that you saw or that you handled?
4. Who was the person at Bally that contacted Mr. Gus Bales to dispose of the spent TCE drums?
5. Was John or Harry Crossley ever present when Gus Bales picked up the drums of spent TCE from Bally?

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6. Did you know that the drums were being transported to the Crossley Farm for disposal? How did you know?

7. Were you aware of any agreement that Mr. Bales had with the Crossley Brothers?

8. Can you identify other individuals that would have any personal knowledge regarding the above inquiries?

In addition to your submittal of the signed employee/officer statements, you are required to provide a list of all individuals employed at the Bally facility from 1965 through 1973 who would have knowledge of the transportation of spent TCE drums from Bally by Bales. The employee/officer list must include the names, addresses and phone numbers along with the present status of current or former employee.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), your company is required to provide all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above referenced facility or the surrounding area.

Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

As used herein, the term "documents" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar of daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phono-records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards,

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recordings, discs, computer printouts, or other data compilations from which information can be obtained or translated.

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

You must respond in writing to this required submission of information within 30 calendar days of your receipt of this letter. The response must be signed by an appropriately authorized corporate official. If, for any reason, you do not provide all information responsive to this letter, in your answer to EPA you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

All documents and information should be sent to:

Mary Anne Daly
U.S. Environmental Protection Agency
PRP Search Section (3HW11)
841 Chestnut Building
Philadelphia, Pa. 19107

If you have any questions concerning this matter, please contact Ms. Daly at (215) 597-8981 or Roy Schrock at (215) 597-0913. Legal questions can be referred to Mr. Charles Hayden at (215) 597-3211.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Sincerely,

Kenneth R. Kyszyk
for Larry S. Miller, Chief
PRP Search Section

cc: Roy Schrock (3HW22)
Charles Hayden (3RC31)
Don Becker, PaDER
Sunbeam Oster Company

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